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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,647	03/23/2001	Steven C. Johnson	10003561-1	4626

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER	
GART, MATTHEW S	
ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,647

Applicant(s)

JOHNSON ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-22 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 2-22 and 25-30 remain pending in the instant application. Claims 7 and 16-18 were amended via the Applicant's remarks filed 4/14/2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-22 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, Jr. et al. (U.S. Patent No. 5,533,174)(hereafter "Flowers") in view of Ying, et al. (International Publication Number WO 01/18681 A2)(hereafter "Ying").

Flowers discloses a method of distributing and installing print device fonts (col. 1, lines 34-40).

The method comprises, *inter alia*, obtaining a visitor's system configuration (col. 4, line 50-col. 5, line 5); permitting selection of compatible fonts (col. 3, lines 22-25); and authorizing transfer of selected fonts (col. 5, lines 17-39).

Flowers does not disclose a website allowing purchase of downloadable printer fonts. Flowers also does not disclose, via the web site, displaying potential estimated

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performance gains that may result from the purchase of a set of fonts other than the set of fonts requested by a visitor. Flowers does, however, identify that the user must be licensed to download desired fonts (col. 5, lines 21-29).

Ying discloses a method of conducting electronic commerce on an internetwork providing at least one server computer selling fonts and one or more client computers from which a user can access such a server computer (page 7). Ying discloses (Figure 50) the use of a website whereby a customer can click on an icon in order to select and buy fonts.

Ying further discloses via the web site, displaying potential estimated performance gains that may result from the purchase of a set of fonts other than the set of fonts requested by a visitor. Ying's method includes an interface whereby a user can upload a request for a test-drive page, with the ID of a given font. This allows the user to see how a font looks at different point sizes and with different text. If the user selects the more-like-this page, with the ID of the current selected font family, the server will list font families having similar attributes as the current font family (page 26). This new font family is a set of fonts other than the set of fonts initially requested by the visitor.

The test-drive page includes an image of the current test text in the current font and font size, the name of the currently selected font, a font size control showing the current font size, a test text control showing the current test text, a display button, and links to the font store's major pages (page 35). This test-drive page is valuable because it helps the user see how a given font will look at different sizes and with different

combinations of characters. The purpose of a user wanting to run the test-drive page is to locate a particular font which would perform best for his/her needs

The specification of the instant invention briefly describes a "performance gain" as an increase in performance, but does not limit the performance gain to any particular tangible metric. The term "performance gain" as defined in the instant invention's specification is broad enough to encompass any gain in performance ranging from a gain in CPU processing speed to a more abstract gain in user satisfaction.

It would have been obvious to one of ordinary skill in the art to have provided the method and system of flowers to have incorporated a website of the type demonstrated by Ying in order that users of personal computers (of the type taught by Flowers: col. 1, line 13) would have been able to have fully realized the functionality of the Flowers method and system in a web-based internet available environment in their home.

Response to Arguments

Applicant's arguments filed 29 October 2003 have been fully considered but are not persuasive.

The Applicant argues the neither Flowers nor Ying disclose, teach, or suggest "displaying potential estimated performance gains that may result from the purchase of a set of fonts other than the set of fonts requested by the visitor, wherein potential estimated performance gains comprise a characteristic of a print job executed with a print device installed font."

Ying discloses via the web site, displaying potential estimated performance gains that may result from the purchase of a set of fonts other than the set of fonts requested by a visitor. Ying's method includes an interface whereby a user can upload a request for a test-drive page, with the ID of a given font. This allows the user to see how a font looks at different point sizes and with different text. If the user selects the more-like-this page, with the ID of the current selected font family, the server will list font families having similar attributes as the current font family (page 26). This new font family is a set of fonts other than the set of fonts initially requested by the visitor.

The test-drive page includes an image of the current test text in the current font and font size, the name of the currently selected font, a font size control showing the current font size, a test text control showing the current test text, a display button, and links to the font store's major pages (page 35). This test-drive page is valuable because it helps the user see how a given font will look at different sizes and with different combinations of characters. The purpose of a user wanting to run the test-drive page is to locate a particular font which would perform best for his/her needs

The specification of the instant invention briefly describes a "performance gain" as an increase in performance, but does not limit the performance gain to any particular tangible metric. The term "performance gain" as defined in the instant invention's specification is broad enough to encompass any gain in performance ranging from a gain in CPU processing speed to a more abstract gain in user satisfaction. In the method as disclosed by Ying, the performance gain relates to an abstract increase in a user's visual satisfaction.


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Conclusion

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

MSG

May 20, 2004


Jeffrey A. Smith
Primary Examiner